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THE INTERNATIONAL STATUS OF FIJI

AND THE

POLITICAL RIGHTS, LIABILITIES, DUTIES, AND PRIVILEGES

OF

BRITISH SUBJECTS, AND OTHER FOREIGNERS,

RESIDING IN THE FIJIAN ARCHIPELAGO.

By Charles St. Julian,

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(LATE HAWAIIAN MINISTER AT FIJI.)

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PREFACE.

THE Fijians have always been a Nation, but have not, until within the last seven months, sought for international recognition as such. The Fijian archipelago was before that time divided into several sovereign chiefdoms; one of the sovereign chiefs—the Vunivalu of Bau—having an admitted superiority, although not an established supremacy, over all the others.

The extensive settlement of white men in Fiji, and the rapid progress of the country in wealth and importance, demanded the establishment of more perfect governmental institutions and laws.

For the purpose of such establishment, the Vunivalu of Bau, in June last (1871), assumed the position and functions of Constitutional Sovereign of Fiji, and convened a National Assembly, to be holden at Levuka in the ensuing month of August, to prepare a Constitution.

Such an assembly was holden accordingly. It consisted—(1) Of the principal native rulers and chiefs, representing and acting for—as by Fijian laws and usages they had the fullest right to do—their several peoples; the only native tribes not thus fully represented and acted for being certain mountaineers who are still heathen and savage. (2) Of delegates duly elected by and from the white settlers in the various districts, and fairly representing the entire body of such settlers.

By this National Assembly the action of the Vunivalu of Bau was fully indorsed. Fiji was declared a Constitutional Kingdom, and a Constitution, modelled after that of the Hawaiian Islands, was prepared, adopted, and promulgated. One high chief, only, did not fully concur in all that was done. He admitted the supremacy of the King, but was not disposed to surrender his own powers of local sovereignty.

The National Legislature, consisting of a Council of High Chiefs and a Legislative Assembly, duly elected in the manner prescribed by the Constitution, has since been in session, and has passed a number of organic and fundamental laws. The Fijian sovereignty and government have, therefore, been more fully established by the national will than if accepted by a plébiscite.

There can be no doubt either of the ultimate full adhesion of the chief just mentioned, or of the enforcement of law and order, ere long, among the mountaineers; but the *right* of the Fijian National Government as now established, or as the same may (if found expedient) be modified, to international recognition is clearly not dependent upon either of these results.

Of the existence of a capacity to rule—and to rule well—the proceedings of the Fijian Government and Legislature have afforded sufficient proof. Sound policy, the interests of Christianity and civilization, and the exigencies of commerce require that such recognition should be accorded, and its accompanying responsibilities imposed upon the Fijian authorities without delay.

ROSENAU, 1st January, 1872.

C. S.

THE INTERNATIONAL STATUS OF FIJI, &c.

CHAPTER I.

Introduction.

I. A LARGE majority of the white settlers in Fiji are British subjects. There has been a great deal of discussion, and no small amount of misconception, as to the political rights, liabilities, duties, and privileges of these settlers. A want of sound knowledge on this subject has ever been productive of some actual disorder.

II. With a view to the dissemination of more correct views on the points in question, they were carefully and practically considered in two papers on the "Political Status of British Subjects at Fiji," which appeared in the issues of "The Sydney Morning Herald" of the 8th and 9th of November last (1871).

III. In these papers it became necessary to inquire incidentally into the International Status of Fiji itself. That is to say, to ascertain in what light the Fijian tribes, their Rulers, and their Domain, must, according to the principles of International Law, be regarded.

IV. It has been thought expedient that the reasonings and conclusions on these subjects should be reproduced in a more permanent form. Also that the inquiry should be so far extended as to define (in outline) the position of the Fijian Government as regards Foreign residents in general; and the political rights, liabilities, duties, and privileges of such residents as regards such Government. Hence the present work.

V. For the purposes above stated it will be necessary to inquire

1. Whether Fiji is a Sovereign State?

2. If so, what is the nature and extent of its jurisdiction (or the jurisdiction of its Ruler or Rulers, Legislature and Tribunals) as regards British subjects resident at Fiji; and other Foreigners so resident?

3. What is the nature and extent of the jurisdiction of the British Government and Courts of Justice, over British subjects resident at Fiji; and of the jurisdiction of the Governments and Tribunals of other nations over the subjects of such nations so resident?

4. What is the present state of British law, and of the laws and practice of other States whose subjects are resident at Fiji, as to allegiance and expatriation; and the effect of such laws and usages as regards the subjects, so resident, of Great Britain, and of such other states?

5. How far may the British Government, or the Government of any other nation be expected to interfere in Fijian affairs?

6. Can British subjects, or other resident foreigners, take any part in Fijian affairs, without prejudice to their natural allegiance and rights—and if so, what part?

VI. The answers to all these questions will be dependent upon well-defined principles of law—not of British law only, although, circumstanced as Fiji is, this law must be in no respect disregarded; but upon that universal code which is called International Law. The conclusions which have been arrived at, and which are about to be stated, are founded upon, and most fully supported by, various recognised authorities. The works principally referred to and relied upon for this purpose are Vattell's Law of Nations, (Chitty's Edition), Martens' (*a*) Laws of Nations, Phillimore's *(b)* Commentaries upon International Law, and Wheaton's *(c)* Elements of International Law (Lawrence's Edition); all of which are unquestionably of the highest authority. Many other works have also been consulted, and such special enactments and constitutional principles—whether of Great Britain or of any other nation—as bear upon the points under consideration have been carefully looked to. Where a principle is stated in general terms and without the citation of any specific authority in support of it, such principle is one on which all the publicists referred to fully agree, but as to which their conclusions are stated too elaborately to allow, here, of more than a declaration of the principle itself. When reference is made to particular works it is because the very words of the writers in question (with, in some instances, a little condensation) have, in such cases, been used to define the principle enunciated. In no case has any conclusion been stated as to which there has not been a general agreement of all the eminent Jurists who have written and edited the works referred to.

(a) M. de Vattell is perhaps, of all writers on International Law the one whose authority has been most cited and relied upon. G. F. Von Martens was Professor of Jurisprudence at Gottingen, afterwards Councillor of State of Westphalia, and Minister of Hanover at the Diet of the Germanic Confederation. He was the author of several works of this character; the one here cited from being a singularly clear and comprehensive exposition of International law.

(b) Sir Robert Phillimore, now Judge of the High Court of Admiralty and of the Ecclesiastical Courts of Great Britain. An International Jurist of great eminence.

(c) Henry Wheaton, LLD., Minister of the United States at the Court of Prussia, &c., &c.

CHAPTER II.

Is Fiji a Sovereign State?

VII. Let us first see what it is that is necessary to constitute a Sovereign State. Any nation or people, whatever may be the form of its internal constitution, which governs itself independently of foreign *control*, is a sovereign State. The terms "sovereign" and "State" are used by publicists synonymously. Sovereignty is the supreme power by which any nation or people is governed. Its attributes are both internal and external. Internal sovereignty is that which is inherent in the people of any State, or vested in its ruler or rulers by its constitution or fundamental laws. External sovereignty consists in the admitted independence of one political society in respect of all other political societies. In other words, the recognition of the State as a member of "the great family of nations," by other States.

VIII. Sovereignty is acquired by a State either at the origin or organisation of the civil society of which it is composed, or when it is separated from a State of which it previously formed a part, and on which it was dependent. This principle applies as well to internal as to external sovereignty. But while the internal sovereignty is independent of its recognition by other States, and the existence of the State, *de facto*, is sufficient, in this respect, to establish its sovereignty *de jure*, a recognition of external sovereignty by other States is necessary to render such sovereignty perfect and complete (*d*).

(*d*) "Perfect and complete," that is to say, for *all* the purposes of international existence—a fully recognised member of "the great family of nations." The rights of internal sovereignty include (1) The right to a free choice, settlement and alteration of the internal Constitution and Government, without the intermeddling of any Foreign State. (2) The right to territorial inviolability, and the free use and enjoyment of property. (3) The right of self-preservation, and this by the defence which *prevents*, as well as by that which *repels*, attack. (4) The right to a free development of national resources by commerce. (5) The right of acquisition, whether original or derivative, both of territorial possessions and rights. (6) The right to absolute and uncontrolled jurisdiction over all persons and things *within* and, in certain exceptional cases, *without* the limits of the territory. (*Phillimore*, vol. I, sec. cxlv.) These rights are all absolute, and quite independent of any recognition of the external sovereignty by other States, except in so far as, in the practical exercise of such rights, they may be effected or limited by the existence of similar rights in other States. Thus, as every nation can make what regulations it pleases in respect to its own commerce, such regulations may, indirectly, affect the commerce of other countries. Thus, also, the rights of acquisition must not be exercised to the absolute prejudice of other countries. And thus, likewise, the rights of internal jurisdiction are subject to the right of intervention by any foreign power whenever such intervention shall become *absolutely necessary* for the protection of its own subjects: (See Sec. xxxiv., *post.*) and, although a State can legislate for the punishment of crimes by its own subjects, wheresoever committed, it can only obtain, by treaty or sufferance, the power of inflicting such punishment in other countries, or of securing the person of an offending subject residing beyond its territory. The rights of external sovereignty which *are* dependent upon the recognition of that sovereignty by other

IX. A corporate body created by a State cannot itself be considered as a State, no matter what may be the powers entrusted to it. The British East India Company exercised, under its old charter, many of the functions of actual sovereignty, but these functions were all subordinate to the supreme power of the Empire. The Company represented the external sovereignty of Great Britain as regarded the native princes and people of India, but to all other foreign sovereigns and States the British Government represented the whole empire—the Company included.

States, are (1) The right of a State to afford protection to her lawful subjects wheresoever commorant; and under this head, says Phillimore, may be considered the enforcement of debts due from the Government of a State to the subjects of another State. (2) The right to the recognition by Foreign States of the National Government, *i. e.*, recognition of such Government on terms of international equality—of its officials, and of its judicature. (3) The right to external marks of honor and respect. (4) The right of entering into international covenants or treaties with Foreign States (*Phillimore*, v. I, s. cxlvii.). Every recognised State has the right of embassy, or, rather, of diplomatic representation; and although no State is absolutely compellable to receive the diplomatic representative of another Sovereign, such reception is, in practice, never refused, as the refusal would be a gross act of discourtesy. But such refusal would be fully warranted if the envoy sent were a person of manifestly improper character, as for instance, a person who had frequently and publicly used language of a highly offensive nature toward the Sovereign to whom he was thus accredited. The Sovereign who commissioned any such representative would, in that case, be the offending party. No Sovereign can demand recognition by another Sovereign of any diplomatic rank which he may be pleased to confer on his representative. The ruler or rulers of a small State cannot, for instance, by giving to its representative, at the Court of another and more powerful country, the title of ambassador ensure him the honors and precedence belonging to that rank at such Court, to the prejudice, probably, of the representatives there of other and greater powers, and to the almost certain creation of disputes and confusion. It has been very seldom, however, that any question of *this* kind has arisen, although there have been many disputes as to precedence, &c., on other grounds. Unless in an extreme case, such as this, the title given by a State to its diplomatic representative would not be questioned. The appointment of Consular officers stands upon a different footing. No State has a *right* to appoint such officers to reside within the dominions of another State. These appointments are sometimes based upon tacit permission and usage, but more often upon treaty stipulations, in which case such power usually agrees to accord to the other—as to such appointments and other matters—all the rights, &c., granted to "the most favored nation," which secures to the consular officers of each their due precedence, &c., according to their respective ranks and seniority. There may be *virtual* recognition of a State sufficient for all practical purposes, as in cases where a colony has declared its independence of the parent State, and such virtual recognition has become expedient for purposes of commerce, &c. *Formal* recognition may follow after such independence shall have been fully secured, and if this should not take place the virtual recognition will amount to nothing. This was the course pursued by Great Britain as regarded the revolted Spanish provinces (now Republics) of South America. There may also be a refusal to recognize a title assumed by a Sovereign without the arising of any question as to his actual sovereignty. Thus the representatives of the five great powers, at the Congress of Aix le Chapelle, in 1818, unanimously refused to recognize the new title of king, which the Electer of Hesse had proposed to assume. This, however, was a *new* title. See also *Note* (*f*), and sec, xxviii., *post.*)

The same may be said as to a colony. A horde of wandering savages, not yet formed into a civil society, cannot be regarded as a State, to constitute which there must be a general obedience of the members of such State to those in whom the superiority is vested, and a definite territory belonging to the people of whom such State is composed. But the right to recognition is in no way dependent upon the nature of the government, provided that there is a government *de facto*. The sovereignties of Mohammedan and infidel countries, including some of the most savage of African monarchies, have been as fully recognised as the sovereignty of the best governed Christian States. "Whatever may be its internal constitution or form of government, or whoever may be its rulers, or even if it be distracted with anarchy, through a violent contest for the government between different parties among the people, the State still subsists, in contemplation of law, until its sovereignty is completely extinguished by the final dissolution of the social tie, or by some other cause which puts an end to the being of the State." (*Wheaton*, Part I., chap. 2, sec. 5.)

X. Fiji has undeniably all the attributes of "a Sovereign State," as thus defined. The Fijians are a people governing themselves, independently of any foreign State. As they were organised when Foreigners (Whites) began to settle among them, the Sovereign power was divided among various ruling chiefs, neither of whom admitted the absolute supremacy of any one of the others. But although there was no sovereignty over the entire archipelago, each Supreme Chief was an absolute ruler within his own chiefdom, and each such chiefdom was, therefore, a separate State. That the old Governmental system of the Fijians, was a very barbarous one, was immaterial. It was sufficient, at all events, for all the then purposes of "Internal Sovereignty." Neither would it matter that some of these chiefdoms were small. There are sovereign States in Europe as small as the least of such chiefdoms *(e)*. The Fijian rulers were certainly not in a position to demand such "external" recognition as to render their sovereignties perfect and complete; but they were looked to for the protection, in person and property, of foreign settlers, and were considered responsible for any mischief done by their (the chiefs') subjects —the clearest possible admissions of internal sovereignty *de facto*.

(e) The Republic of San Marino with a population of less than 8000, and a domain of only 18 Italian miles, has the recognised position and all the Governmental machinery of a Sovereign State. The Republic of Andorra has a population of about 18,000. The Principality of Monaco, until of late internationally sovereign, consists of but one small town with a population of less than 1,700 souls. There were resident there, however, a Papal Nuncio, a Spanish Consul, and a French Vice-Consul. Many of the now semi-sovereign or mediatised, but formerly sovereign, principalities of Germany, are also very small.

XI. The present union of sovereign chiefdoms under Cakabau only alters the position of things as regards the settlers, in so far as that, by the authority of the native rulers who have in the name and on behalf of their several states accepted the Vunivalu of Bau as their constitutional King (*f*), these several States have been merged into one State with one sovereign. The internal sovereignty may have become more complete; but such internal sovereignty would by no means cease to exist if the new kingdom were to be broken up into its original chiefdoms, each independent of the other; or into other—and new—chiefdoms or combinations. This would be merely a change of rulers.

XII. The Fijians could never, since white men have settled among them, have been properly described as "a horde of wandering savages," for, although savage enough in their heathen state, they have always been under some sort of Governmental organisation. As they certainly had more land than they made profitable use of, they might no doubt, at one time, have been treated as savage tribes whose rights or claims to sovereignty and domain might be set aside by a stronger and more civilized nation in search of an outlet for its surplus population; for all the great powers have been tolerably unanimous in their disregard of "aboriginal rights." (*g*) But we have no need to consider this possibility as regards Great Britain, inasmuch as her Majesty's Government have not only—more than once, and in the most clear and distinct terms—disclaimed the slightest

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(*f*) In reference to the recognition, by Great Britain, of Napoleon III., Lord Malmesbury, the then Secretary of State for Foreign Affairs, stated as follows: "It has been our usual policy for a period of twenty-two years, since the revolution of 1830 in Paris, to acknowledge the constitutional doctrine that the people of every country have a right to choose their own Sovereign without any foreign interference, and that a Sovereign having been freely chosen by them, that Sovereign, or ruler, or whatever he may be called, being *de facto* the ruler of that country, should be recognised by the Sovereign of this." (*Annual Register*, 1852, p. 165.)

(*g*) This mode of dealing with uncivilised races appears to have originated in the right formerly assumed by the Popes of giving away the sovereignty of infidel countries. The first of such assumed gifts was by a Bull of Nicholas V., in 1454, granting to the Crown of Portugal the Empire of Guinea, and the power "to subdue all the barbarous nations therein" and prohibiting the access of all other nations thereto. By a Bull promulgated in 1493, Alexander VI. granted to the Crown of Spain all lands already discovered, or to be thereafter discovered lying to the West and South of the Azores; drawing a line from one pole to the other a hundred leagues West of the Azores. These grants were always utterly disregarded by Great Britain, France, and Holland, and after their futility had been demonstrated by the results of many sanguinary wars were abandoned by the grantees themselves. But it seems to have been considered by all the Great Powers—and by Great Britain especially—as an attribute of sovereignty to seize and occupy any country thinly peopled by barbarous tribes. The United States, while regarding the Indians resident within the domain of the Republic as *subjects* (not citizens) treats the several tribal administrations and territories as being so far "States" as to have certain rights of internal government, including an exclusive right to their lands.

intention to assume or accept the sovereignty of Fiji (*gg*), but have urged upon the Fijians the necessity of establishing a good

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(*gg*) The first and most formal disclaimer was by a proclamation issued by Sir John Young, which was officially promulgated in various parts of Fiji. There have been other disclaimers of like nature, coupled with warnings against settlement at these Islands, while they were without any civilized government, under an idea that the British Cabinet might be forced, by these means, into some assumption of protective sovereignty. Also with an intimation (by Lord Kimberley, the present Secretary of State for the Colonies), that the most which the British Government could think of doing—even when Fiji was without such a government—would be to establish some Magisterial Court in connection with the Consulate. The following is a copy of Sir John Young's proclamation. The blank in the first paragraph was left for the name of the principal chief at each of the places where the proclamation was publicly read.

Message from His Excellency the Right Honorable Sir John Young, Baronet, Knight Commander of the Most Honorable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Captain-General and Governor-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same

The Governor of New South Wales sends to ———— and the Assembled Chiefs of the Fiji Islands, Greeting, and the expression of his good wishes.

He has been instructed by His Grace the Duke of Newcastle, Her Britannic Majesty's Principal Secretary of State for the Colonies, to inform the assembled chiefs that Her Majesty's Ministers have done him the honor to select him as the medium of communication on this interesting occasion. He has it in command to state that the offer to cede to Her Majesty Queen Victoria the Sovereignty of the Fijian Territories on certain conditions, was duly submitted to Her Majesty, who was graciously pleased to receive the same, and to remit it to Her Ministers for their consideration and advice.

Her Majesty's Ministers made it the subject of early and anxious deliberation. An enquiry was instituted, intrusted to and conducted diligently and minutely on the spot by Colonel Smythe, an officer of the Royal Artillery, of high rank and acknowledged ability.

On the receipt of Colonel Smythe's report, and on a careful review of all the circumstances, it appeared to Her Majesty's Ministers very uncertain whether the welfare of the Fijians would not be better consulted by leaving their civilization to be effected by the causes and agencies already in operation, than by a direct and authoritative British interference.

The Governor of New South Wales is therefore instructed to announce to the assemblied chiefs that Her Majesty's Ministers regret they cannot advise Her Majesty to add the Fiji Islands to Her dominions.

The offer of the Fijian Chiefs to unite their fortunes with those of England, and submit themselves to British rule, evinces a degree of confidence in the British character, and admiration for the British Government, which are highly gratifying.

Such a tribute could not fail to find a response in the heart and feelings of everyone who wishes well to his fellow men, and sympathises with those who, like the inhabitants of Fiji, have set themselves in a good way, and are studying earnestly to attain a higher and purer standard of life and institutions.

This lofty tribute is more peculiarly touching to the government and people to whom it has been directly and immedietely addressed.

While, therefore, their offer to become the subjects of the British Crown is respectfully, and on a grave consideration of public policy, declined, the chiefs and people of the Fiji Islands may rest assured that their longings after peace and good order are viewed in England with the liveliest sympathy, and that the prayers of thousands invoke the blessing of Providence on their moral and intellectual advancement.

Government or Governments of their own. What the British Government has declined to do cannot be done by its subjects, none of whom can legally oppose themselves to the mandates and policy of the national administration, however lightly they may be disposed to treat some of its warnings—such as the warning, which they have repeatedly had, not to settle in these islands beyond the pale of British protection, *while such islands were without any civilized Government.* There have been attempts to set up corporate Government, and Government by a company, but it is unnecessary to revert here to these attemps, or the causes of their failure.

XIII. The United States has not only evinced no desire to convert Fiji into a dependency, but has from the first treated with the Fijian tribes as sovereign and internationally responsible communities. No other power has shewn any inclination to occupy Fiji, or to sanction its occupation, upon the plea that the Fijians have no *exclusive* right to their lands.

XIV. The denomination of a State cannot be properly applied, nor international recognition extended, to any voluntary association of robbers or pirates, the outlaws of other societies, although they may be united together for the purpose of promoting their own mutual safety and advantage (*Wheaton*, Pt. 1, c. 2, s. 2; and *Grotius*, Book 3, c. 3, s. 2, No. 1. See also note (*n*), *post*). The habitual obedience of the members of any political society to a supreme authority must have once existed to constitute a sovereign State; but the existence of a civil war, and consequent suspension of that obedience will not necessarily extinguish the being of the State, although it may affect, for a time, its ordinary relations with other States. Any of the latter may remain indifferent spectators of the contest, may treat the ancient government as sovereign, and the government *de facto* as a society entitled to the rights of war against its enemy, or may espouse the cause of the party which is thought to have justice on its side. The legal status or condition of a State may, however, be affected by external violence, or by such treaty stipulations in reference to it as may be voluntarily or on compulsion (*h*) submitted to. In this way a State previously independent may be wholly or partly incorporated within the dominions of another State, or a new State may be created. The instances in which States have been so dealt with are too numerous to need any citation of specific instances. And no question of justice or injustice can here be material, provided that the change be fully accomplished.

(*h*) Freedom of consent is as necessary to the validity of a treaty between two or more States as of an ordinary contract between private individuals; but when a powerful State has compelled one that is weak to assume any treaty obligations, there is generally a readiness to maintain the justice of such obligations, *vi et armis*.

XV. It never could have been truly said of the native Fijians that they were "a voluntary association of robbers, &c., &c.;" neither, if the white settlers at Ovalau, or elsewhere in the archipelago, could have legally formed a government of their own, could that government have been refused recognition for any such reasons; for although there are, undeniably (as, indeed, in all other communities), a good many qnestionable characters among them, these settlers are, as a body, highly respectable. But it has been so incontrovertibly established that they could *not*, legally, form such a government, that nothing further need be said upon this point. It is just possible, however, that some community which might be fairly describable as a voluntary association of disreputable characters might attempt State organization on a small scale in some other islands or island of the Pacific, or might even make such an attempt in some part of Fiji. But we need not pause to consider further any such bare possibility. In every other respect the principles cited in the last paragraph are applicable to this archipelago. The present Fijian kingdom having been created by the union of the original native States, none of the disturbances which may have preceded—nor the want of power to *enforce* Governmental or judicial decrees which may have accompanied—the formation of this kingdom and its Government, can affect its rights as "a State" so long as it *is* a Government *de facto*. In support of the maxims of international law, last named in the preceding paragraph, it is sufficient to point to the case of Poland. There is not a single text writer upon international jurisprudence of any eminence who has not denounced the partition of Poland by Russia, Austria, and Prussia as most flagrantly unjust; and condemned the other great Powers for confining themselves to mere protests against the successive spoliations of that unhappy country; yet the thing being fully accomplished is *now* no longer the subject of question between *any* of these Powers.

XVI. All sovereign States are equal, according to international law, whatever may be their relative power. The sovereignty of a particular State is not impaired by its occasional obedience to the commands of other States, or even the habitual influence exercised by them over its councils. It is only when this obedience or influence assumes the form of an express compact—destroying or limiting the freedom of action of one of the contracting parties—that the sovereignty of the State inferior in power is legally affected by its connection with the other. Treaties of equal alliance freely contracted between independent States do not impair their sovereignty. Treaties of unequal alliance, of guarantee, of mediation, and of protection, may have the effect of limiting or qualifying the sovereignty according to the stipulations of such treaties, but only to the extent of such stipulations. (*Wheaton*, Pt. 1, c. 2, s. 12; *Vattel*, Book 1, c. 1, ss. 45 and 46). Tributary States, and

States having a feudal relationship to each other, are still considered as sovereign, so far as their sovereignty is not affected by this relationship. (*Wheaton*, P. 1, c. 2, s. 14; *Vattel*, B. 1, c. 1, ss. 7 and 8). There is the same separate and distinct sovereignty when two States are united under one prince, or where several States unite to form a perpetual confederacy, without ceasing to be each, individually, a perfect State. (*Wheaton*, P. 1, c. 2, ss. 16 and 20; *Vattel*, B. 1, c. 1, ss. 9 and 10).

XVII. Thus, even if a protectorate by Great Britain or any other Power had been established in Fiji, leaving the sovereignty of the native ruler or rulers otherwise intact, the latter country might still have been a Sovereign State, or States, as the case might be. This would entirely depend upon the nature of the compact between the protecting and protected States. It might have been a mere Suzerainty *(i)* which would have left the protected State nationally independent, to all intents and purposes; or such a merger of the protected into the protecting sovereignty as to destroy the individuality of the former. The Neapolitan Kings were vassals of the Popes until 1818, but this vassalage was not considered as in any way impairing the regal powers of such Kings, or the nationality of their kingdom. On the other hand, the Republic of the Ionian Islands, when under the protectorate of Great Britain, was in a position of what is termed semi-sovereignty—having a nationalty and Government apart from the protecting State, yet represented abroad by the Ministers and Consuls of the latter, and having many of the functions of its internal Government committed to officers of the protecting Sovereign. Even such a Government and Constitution as has been now established in Fiji, might, with but very slight modifications, have been formed and maintained under a protectorate. And if the present Fijian Government were to give place to a confederation, the position of the settlers, as regarded the governing powers—local and central—would be still substantially the same.

(*i*) Suzerainty [Suzerainеté], although in Europe of feudal origin, has existed in all parts of the world, and has been applied to modern requirements, as well as retained from ancient times. Egypt, Moldavia, and Wallachia, are sovereign States under the Suzerainty of the Sultan of Turkey. When Sarawak first became a State under Rajah Brooke, the Sultan of Bruné was the Rajah's Suzerain. A similar institution of protective supremacy, which might well be described as "Suzerainty," existed in Fiji itself long before the introduction of Christianity.

CHAPTER III.

Jurisdiction of Fijian Government, Legislature, and Courts of Justice over Resident Foreigners.

XVIII. It may be assumed, then, that Fiji is "a State" with all the attributes of "internal sovereignty." This position carries with it certain well-defined rights. (*j*) Among these is the right of jurisdiction over "inhabitants" or resident foreigners, as well as over citizens—native born or naturalized.

XIX. The right of jurisdiction, civil and criminal, over all persons and things within the territorial limits, which is incidental to a State relatively to its own subjects and their property, extends also, as a general rule (*k*), to "foreigners commorant in the land." (*Phillimore*, v. 1, s. cccxxi.) With respect to the administration of criminal law, it must be remembered that every individual on entering a foreign territory, binds himself by a tacit contract to obey the laws enacted in it for the maintenance of the good order and tranquility of the realm; and it is manifestly not only the right, but the duty of a State to protect the order and safety of the society entrusted to its charge equally against the offences of the foreigner as against those of the native. This proposition, it should be observed, must not be confounded with another, namely, the alleged right or duty of a State to punish a *citizen* for an offence committed *without* (outside) its territory. This is a proposition of Municipal, the other is one of International Law. The strict rule of public law (says Phillimore) is that a State can only punish for offences committed within the limits of its territory; this is, at least, the natural and regular consequence of the territorial principle. Nevertheless, it is a very general maxim of European law that offences committed against their own country by citizens in a foreign country, are punishable by their own country when they return within its confines. It is, however, clearly within the *competence* of the State within whose territories the offence has been committed to punish the offender, and especially if the offence has not been of a *public* character against the foreign State, but of a private character against a brother-citizen or fellow subject of the offender. But in cases of a *public* character a *double* offence is committed—one against the State of which the offender is a subject, another against the general law of

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(*j*) See note (*d*) *ante*.

(*k*) The exceptions being the cases of foreign sovereigns and their respective suites; of ambassadors and other diplomatic agents and functionaries (not consuls) and their households; of foreign armies, of foreign ships of war, and of places where ex-territorial powers have been secured to other States by prescription or by special arrangements.

the land within which the offence is devised and perpetrated. (*Phillimore*, v. 1, s. cccxxxii.)

XX. All the "authorities" on international jurisprudence unite in holding that the sovereign or government of every State has a right to prohibit the settlement of foreigners therein. The existence of this right is the foundation of the implied pledge of obedience on the part of such foreigners as are allowed to become settlers (*l*). The inhabitants (says Vattel, speaking of foreigners who have become permanent residents in a country, *without being naturalised therein*) as distinguished from citizens, are foreigners who are permitted to stay and settle in the country. Bound to the society by their residence, and by the protection afforded them, they are subject to the laws of the State while they reside in it; and they are obliged to defend it because it grants them protection, though they do not participate in all the rights of citizens. They enjoy only the advantage which the law of custom gives them. The *perpetual inhabitants* are those who have received the right of perpetual residence. They are a kind of citizens of an inferior order, and are united to the society without participating in all its advantages. Their children follow the condition of their fathers; and as the State has given to these the right of perpetual residence, their right passes to their posterity. (*Vattel*, B 1, c. xix., s. 213.) Those who, without intending "perpetual residence" of themselves and their descendants have settled in a country as traders or cultivators of the soil, in order to "make a fortune" with which to return to

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(*l*) There is no question as to the right to settle in Fiji. In some parts of the archipelago settlement has been, and still is, expressly invited. In others the right is "prescriptive" (established by custom). The fact of there having been no civilised government in any particular island or district of Fiji when the settlers first came there, will not affect the question. No foreign settler can have any right antagonistic to the interests, and inconsistent with the safety, of the government of the State in which he is domiciled, or of other persons, native born or foreigners, resident therein: least of all any right or immunity which would obstruct such State in the exercise of one of its most important prerogatives and duties—that of "perfecting" its institutions. Foreigners have a clear prescriptive right to navigate the seas and straits within the archipelago. These waters would be, undoubtedly, a "*mare clausum*," the navigation of which might, by the Government of Fiji, as one undivided State, be restricted, or even, perhaps, forbidden as regards foreigners. But so long as the sovereignty of Fiji was partitioned between different rulers, whose territories were divided by these waters (the Sea of Koro especially), the inter-islands' sea was as much a "*mare liberum*" as the Pacific ocean itself. One consequence of the establishment of a government for the entire archipelago will be that such government and its tribunals will have jurisdiction over the whole of these inter-islands' waters. We have no need, however, to consider its right to restrict the navigation of such waters by foreign vessels, as nothing of this kind is likely to be dreamt of. But as to harbours, and the waters between the fringe reefs and the several islands which such reefs respectively encircle, the jurisdiction is as perfect, ample, and exclusive as on the land itself.

their own land (*m*), become equally identified, for the time being, with the country wherein they so settle (*n*).

XXI. But no subject of another country can be legally compelled to render military service to the country of his domicile against that of his birth. Even a naturalized alien cannot be so compelled if by the laws of the country of his birth it is held that he cannot renounce his allegiance, and he would be liable,

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(*m*) The question of "residence" was very fully and learnedly considered by Lord Camden in 1785, in reference to the capture of St. Eustatius by Admiral Rodney. He held that persons merely passing through, or temporarily resident in, a foreign country as mere travellers, or for health, or for the settlement of a particular business, or the like, could not be considered as domiciled in such country; but as to foreigners so domiciled, or generally resident, he said "In any point of view, they ought to be considered resident subjects. Their persons, their lives, their industry, were employed for the benefit of the State under whose protection they lived, and if war broke out they, continuing to reside there,, paid their proportion of taxes, imposts, and the like, equally with natural born subjects." (*Wheaton*, P. 4, c. 1, s. 17.) Sir W. Scott (Lord Stowell) has also laid it down (*Robinson Adm. Rep.*., vol. 2, p. 324) that although a mere visit to a foreign country, for a special purpose, will not give all the rights, or create all the obligations of domicile; still, if the purpose of the visit be such as *may* probably, or *does actually*, detain the visitor for a great length of time "a general residence grows out of such special purpose."

(*n*) Foreigners, who, by an acquired domicile participate in the commercial privileges of citizens or subjects of a country, must also share the inconveniences to which the latter are liable. To an application made by M. de Sartaigues, Minister of France, for indemnity for French merchants, resident at Greytown, for losses sustained by the bombardment of that town, in May, 1854, by an American ship of war, it was answered by Mr. Marcy, Secretary of State, February, 26, 1857, "If there were persons in Greytown when it was bombarded who did not belong to the political organization there established, and who suffered in consequence of that bombardment, they can only resort for indemnity, if entitled to it, to that community. It was to that community they committed their persons and property, and by receiving them within its jurisdiction it assumed the obligation of protecting them. Nothing can be more clearly established than the principle that a foreigner domiciled in a country can only look to that country for the protection he is entitled to receive while within its territory, and that if he sustains injury for the want of that protection, the country of his domicile must indemnify him" (note by *Lawrence* to *Wheaton*, P. 2, c. 2, s. 1). The losses by foreigners during the bombardment of Copenhagen by Great Britain, and the siege of Antwerp were especially referred to as having entailed no recognised claims on account of such losses against the attacking Powers; the States within which the losses were sustained having been alone held responsible. This reasoning was held sufficient, and its sufficiency was distinctly acknowledged by Lord Palmerston and the Attorney-General of England, in the House of Commons, as regarded similar claims by British subjects. (*Hansard's Parl. Deb.* 3rd. ser., vol. cxlvi., pp. 37, 49. Debate in House of Commons, June 19, 1857). The Government of the United States maintained that the community at Greytown, although assuming the form and arrangements of a sovereign State, was not of such a character as to entitle them "to stand before the world in the attitude of an organized political society," but this, it was maintained and admitted, did not alter the position of those who had chosen to reside in such a community. The people of Greytown, according to the American Government, had during their association "earned for themselves no better character than that of a marauding establishment—too dangerous to be disregarded, and too guilty to

if taken in arms as an enemy, to be punished as a traitor *(o)*. And this, until very lately, was the law of Great Britain. That British subjects are, however, while they reside in a foreign country, subject to its constituted authorities and laws has never been denied by the Imperial Government. In a note of Lord Palmerston, of August 16th, 1849, to Mr. Bancroft, United States Minister in London, it is said,—"It is well-known that by the laws of Great Britain, no restraint can, except in very special cases, be placed upon the perfect liberty of every British subject to leave the realm, when and for whatever period of time he chooses. So long as the emigrant remains in the United States, or in any other country, he is amenable to the laws of the country in which he resides." (*Lawrence Appendix to Wheaton: Int. Law*, 925).

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pass unpunished." The subjects or citizens of a foreign State who choose to become dwellers among such a community and to entrust their property to such a custody, were likened to persons who might place property on board of a piratical ship, and would have no pretence of a claim for the loss or destruction of such property against the captors of such ship. A clear distinction exists, as we have seen, between the position of persons who have become domiciled in a foreigner's country and those who are mere visitors to or passengers through it. According to Phillimore, foreign domicile does not absolutely take away the power of a state to enforce the claims of its subjects in the country of such domicile; but, in order to justify inteference, *all* local remedies must be first exhasted, and there must be such a flagrant violation of justice as to form a fair ground for international remonstrance. (*Phillimore*, 8, 2, s. iv). It is more especially laid down by the same jurist, that, "if being permitted by the law of his domicile he [a resident foreigner] has purchased land, and thus incorporat d himself, as it were, into the territory of a foreign country, he cannot require his native Government to interfere on the subject of the operation of municipal laws, or the judgment of municipal tribunals upon his rights of immovable property in this foreign land." (*id.*) The rules as to the nature of the jurisdiction over and in reference to foreigners with regard to contracts, &c., belong to the domain of what is called, "private international law."

(o) It was made a matter of complaint by the Government of the United States against that of Great Britain that while the latter were contending for "the right of search," and of impressing British subjects out of American ships, American citizens resident in Canada were refused exemption from service in the militia.

CHAPTER IV.

Ex-Territorial Jurisdictions.

XXII. The statutory jurisdiction given to the Courts of this colony in respect of offences committed in any of the islands of Polynesia not under European sovereignty or protection *(oo)*, is not, strictly speaking, an ex-territorial jurisdiction, but an exercise of the right possessed by every nation of punishing its *citizens* for offences against its laws committed *without* its territory, when such citizens return to (or are somehow or other brought *within*) such territory. Great Britain has always asserted—and often exercised—this right, not only as regards offences committed by its subjects in countries where there are no properly organised Governments, but in reference to such offences in *any* country.

XXIII. The municipal laws and institutions of any country may operate beyond its own territory and within the territory of another State *by special compact between the two States*. Such are the treaties by which the Consuls and other commercial agents of one nation are authorised to exercise over their own countrymen a jurisdiction within the territory of the State where they reside. The nature and extent of this peculiar jurisdiction depend upon the stipulations of the treaties between the two States. Among Christian nations it is generally confined to the decision of controversies in civil cases, arising between the merchants, seamen, and other subjects of the State in foreign countries; to the registration of wills, contracts, and other instruments executed in the presence of the Consul; and to the administration of the estates of their fellow subjects deceased within the territorial limits of the Consulate.

XXIV. The resident Consuls of the Christian powers in Turkey and the Barbary States, and other Mahommedan countries, exercise both civil and criminal jurisdiction over their countrymen to the exclusion of the local magistrates and tribunals. This jurisdiction is ordinarily subject, in civil cases, to an appeal

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(oo) Conferred by 9 George iv, c. 83, s. 4, which, besides giving to the Supreme Courts of New South Wales and Tasmania a jurisdiction as to offences on the high seas, &c., declares that such Courts "shall, and may enquire of, hear, and determine all treasons, piracies, felonies, robberies, murders, conspiracies and other offences, of whatever kind soever, committed in the Islands of New Zealand, Otaheite, [Tahiti] or any other island, country or place, situated in the Indian or Pacific Oceans, and not subject to His Majesty, or to any European State or Power, by the Master or Crew of any British ship or vessel, or any of them, or by any British subject sailing in or belonging to, or having quitted, any British ship or vessel, to live in any part of the said islands, countries or places, or that shall be there living." The penalties for all such offences are to be the same as if they had been committed and enquired into *in England*,—"any law, custom or usage, to the contrary notwithstanding."

to the civil tribunals of their own country. The criminal jurisdiction is usually limited to the infliction of pecuniary penalties; and in offences of a higher grade the functions of a Consul are similar to those of a Police Magistrate or Juge d'Instruction. He collects the documentary and other proofs, and sends them, together with the prisoner, to his own country for trial. (*Wheaton*, P. 2, c. 2, s. 11).

XXV. There has been no treaty or arrangement by Great Britain with Fiji of the kind mentioned in the last paragraph. The British Consul there has no magisterial power whatever as yet. There is no authority in Fiji for the preservation of order and the punishment of offences but that of the native Government.

XXVI. On the general doctrine in force on the Levant, as to the ex-territoriality of foreign Christians, a complete system of peculiar municipal and legal administration has been founded; consisting of—1. Turkish tribunals, for questions between subjects of the Porte and foreign Christians; 2. Consular Courts for the business of each nation of foreign Christian; 3. Trial of questions between foreign Christians of different nations in the Consular Courts of the defendant's nation; 4. Mixed tribunals of Turkish magistrates and foreign Christians at length substituted, by common consent, for cases between Turks and foreign Christians; 5. Finally, for causes between foreign Christians, the substitution also, at length, of mixed tribunals in place of the separate Consular Courts; an arrangement introduced at first by the Legations of Austria, Great Britain, France, and Russia, and then tacitly acceded to by the Legations of other foreign Christians. (Opin. of Attorney-General Cushing. Note to *Wheaton*, P. 2, c. 2, s. 12).

XXVII. If Great Britain should in exercise of its power, and without consulting in any way the native King or his Government, pass an Act establishing a Consular or other Court at Fiji, with jurisdiction over British subjects, the Fijian authorities would, no doubt, be compelled to submit. *This would, however, be in itself an assertion of British sovereignty in Fiji (p), and is for that reason a step scarcely likely to be taken.* There would be no power to bring the subjects of other countries resident at Fiji under the jurisdiction of any such tribunal. The United States, for example, has recognized the sovereignty and Government of King Cakobau, and the citizens of that republic would only be legally justiceable in the constitutional tribunals of Fiji *(pp)*. Neither could the natives be made amenable to the jurisdiction

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(p) Since the above sentence has been in type, an opinion by Sir James Martin, (Attorney General of New South Wales) has been published, which is precisely to the same effect.

(pp) Certain magisterial powers which were theretofore exercised by the United States Consuls at Fiji over citizens of such States, have, I understand, been given up since the establishment of the present Government there.

of a Consular Court without a substantial assumption of sovereignty, actual or protective, with all its responsibilities. The probabilities are, therefore, that if any such ex-territorial tribunal be established, it will be done by treaty or convention in which its jurisdiction will be defined, and the co-operation of the native authorities secured—an arrangement which will in itself amount to a formal recognition of such authorities. There have been such treaties by Great Britain with China, Japan, Muscat, Siam, and Borneo.

XXVIII. In the absence of any treaty or express stipulation to the contrary, not only has no Consul—whether of Great Britain or of any other power—any jurisdiction in a foreign State; but he is himself (consuls not being "public ministers") "subject to the local law in the same manner with other foreign residents owing a temporary allegiance to the State." (*Wheaton*, P. 3, c. 2, s. 22). In countries where a sovereignty has been established and recognised, the Consul of a foreign power cannot legally act until he has received an exequatur from the sovereign; or some such permission, either from such sovereign or his local representative, as will be equivalent to an exequatur. This may be withdrawn for misconduct. As early as 10th October, 1793, the exequatur of the Vice-Consul of France for the States of New Hampshire, Massachusetts, and Rhode Island was withdrawn because of his having, "under colour of his office, committed sundry encroachments and infractions on the law of the land, and particularly for having caused a vessel to be rescued with an armed force out of the custody of an officer of justice, who had arrested the same by process from his Court." (*Annual Register*, 1793, p. 212). Again, in 1795, the exequatur of the British Vice-Consul at Newport, Rhode Island, was withdrawn in consequence of his connection with an attempted seizure in American waters of M. Fauchet, a Minister of France. (Appendix to *Wheaton's Int. Law.*, p. 952). In July, 1845, the permission to Mr. G. Brown to Act as Commissioner for the United States at the Hawaiian Islands was withdrawn by the Government of the latter country, because of the overbearing and unbecoming tone which he had assumed towards the Ministers of such Government. (*Jarves's Hist. Haw. Islds., pp.* 192-193). In 1856, in consequence of the complicity (as maintained by the United States Government) of the British Minister, Mr. Crampton, and the British Consuls at New York, Philadelphia, and Cincinnati, in the making or carrying out of arrangements for the enlistment of persons resident in the United States, for service in the British Army in the Crimea, in violation of the neutrality laws of the republic (as construed by the American Government) the President determined to send Mr. Crampton his passport, and to revoke the exequatur of the three Consuls. (*Annual Register*, 1856, *p.* 277). The privileges of Consuls are dependant upon the municipal laws of the country in which they reside. In Great Britain these

privileges are very limited. When by the law of that country a debtor could be arrested and imprisoned on the suit of his creditor, a Foreign Consul was held to be as liable to such arrest and imprisonment as any private individual (*Phillimore* v. 2, ss. cclxi. to cclxxi.) In 1858 the Consular property at Manchester, belonging to the United States—flag, seal, arms, record-books, &c.—were levied upon by the Sheriff for a private debt of the Consul, and were not released till security had been given by a private citizen, in the absence of the Consul. Mr. Dallas, Minister in London, was instructed to pay the bill, and thus save from sale the Consular archives (Department of State M.S., cited in note to *Wheaton, Int. Law, p.* 427).

CHAPTER V.

Laws and Usages as to Allegiance and Expatrations and their effect on Foreign Residents at Fiji.

XXIX. For very many years it was maintained by Great Britain that no natural-born subject of that Empire could throw off his allegiance. This doctrine went even to the extent of assuming that all persons born within British territories, although by alien parents, became, from the very fact of such birth, British subjects. By several other powers—the United States in particular—the soundness of this assumption was disputed, *(q)* the general principle contended for being that (as laid down by some of the most eminent jurists) every man of full age who had become domiciled in a foreign country had a right, if he pleased, to entirely renounce his allegiance to the land of his birth in favour of the land of his adoption.

XXX. Although the right to such perpetual allegiance as that a native-born British subject should always be amenable to the laws of his country, was still insisted upon in theory, it was often departed from in practice, and sometimes even, it would seem, encroached upon by judical decisions. Assuming that a natural-born subject of any country could not throw off his primitive allegiance so as to cease to be responsible for criminal acts against his native land, it had long been determined both in Great Britain and the United States that he might become, by residence and neutralization in a foreign State, entitled to all the commercial advantages of his acquired domicile and citizenship. Thus, by the treaty of 1794 between the United States and Great Britain, the trade to the countries beyond the Cape of Good

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(*q*) Nevertheless, and although the *practice* of the United States has been as here described, the most eminent jurists of that country have maintained that, by its *law*, the right of a native-born citizen to renounce his allegiance has been no more admitted than by the law of Great Britain. (*Kent, Comm. v. ii. p.* 49; *Story, Comm. on the Constitution, v. iii, p.* 3, *note* 1.)

Hope, within the limits of the East India Company's Charter, having been opened to American citizens, while it still continued prohibited to British subjects, it was held by the Court of King's Bench that a natural-born British subject might become a citizen of the United States, and be entitled to all the advantages of trade conceded between his country and that foreign country; and that the circumstances of his returning to his native land for a mere temporary cause would not deprive him of those advantages. (*Wheaton*, P. 2, c. 2, s. 1; also 8 Term Rep. 39, 43, 45).

XXXI. By the Naturalization Act of 1870, however (33 Vict., c. 14, passed 12th May, 1870), this claim to perpetual allegiance has been abandoned. The following are the sections of that statute affecting British subjects domiciled out of the United Kingdom—at Fiji for instance,

"4. Any person who is born out of her Majesty's dominions, of a father being a British subject, may, if of full age, and not under any disability, make a declaration of alienage, and from and after the making of such declaration shall cease to be a British subject.

"6. Any British subject who has at any time before, or may at any time after, the passing of this Act, when in any foreign State, and not under any disability, *(qq)* voluntarily become naturalized in such State, *shall, from and after the time of his so having become naturalized in such foreign State, be deemed to have ceased to be a British subject, and be regarded as an alien*: Provided—

"(1.) That where any British subject has, before the passing of this Act, voluntarily become naturalized in a foreign State, and yet is desirous of remaining a British subject, he may, at any time within two years after the passing of this Act, make a declaration that he is desirous of remaining a British subject, and upon such declaration hereinafter referred to as a declaration of British nationality being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject; with this qualification, that he shall not, when within the limits of the foreign State in which he has been naturalized, be deemed to be a British subject, unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

"(2.) A declaration of British nationality [or of alienage] may be made, and the oath of allegiance be taken, as follows, that is to say: If the declarant be in the United Kingdom, in the presence of a Justice of the Peace; if elsewhere in her Majesty's dominions, in the presence of any Judge of any Court of civil or criminal jurisdiction, of any Justice of the Peac , or of any other officer for the time being authorised by law in the place in which the declarant is, to administer an oath for any judicial or other legal purpose. If out of her Majesty's dominions, in the presence of any officer in the Diplomatic or Consular service of her Majesty."

XXXII. Other important alterations are made by that statute which need not be here particularized, such as the abolition of

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(*qq*) Such for instance, as being a fugitive criminal, charged with an offence against the justice of his own country for which his "extradition" could, under ordinary circumstances, be demanded. No claim accruing *before* the expatriation, for the enforcement of which an action could be brought, or other legal or equitable process resorted to, would be such a "disqualification;" inasmuch as such expatriation would not bar the claimant's right of action or suit.

the right of foreigners to juries *de medietate linguæ*. The above-named rights of retaining or renouncing allegiance are only to be limited by such conventions on this subject as may exist between Great Britain and the countries as to (or within the jurisdiction of) which such renunciation or retention of British allegiance may be sought. There is no such convention existing between Great Britain and Fiji. A British subject who may have renounced his native allegiance, and come under allegiance to a foreign State, is, by this Act, placed upon precisely the same footing as a foreign-born alien. If his assumption of a new allegiance has been before the 12th of May, 1870, he may, at any time before the 12th of May, 1872, make a declaration of nationality, and remain under *both* allegiances. Under any other circumstances he must be re-naturalized ere he can again become a British subject. To obtain such re-naturalization, he must reside within British dominions for five years, and must declare his intention permanently to reside in—or trade to—such dominions. He may, on these conditions, and on a proper application, be re-naturalized by a Secretary of State in England, or by the Governor of a colony; but he cannot demand such re-naturalization as a matter of right. It may, as in the case of a foreign-born alien, be refused without the necessity of assigning any reason for such refusal.

XXXIII. It was stated in the "House of Delegates" at Levuka, that the present Ministers of King Cakobau had taken the oath of allegiance to him as constitutional sovereign of Fiji. He did not assume that position until June last—nearly a year after the passing of the above-named Act. Fiji, as a "State," has a right to exercise one of the universally admitted powers of a State—that of naturalizing foreigners who seek naturalization. These ministers, then, are Fijian (not British) subjects (*r*). The King of Fiji had, and has, a right to avail himself of their services; they have ceased to be, as British subjects, responsible to British law; and it is only by disputing the authority and acts of King Cakabau himself that the authority of these his Ministers can be denied.

XXXIV. Every State of continental Europe considers its subject "expatriated" by his assumption of a foreign allegiance and his acquisition, in another land, of the full rights of a native born subject. In several of these States citizenship is forfeited by the acceptance of any office under a foreign government without permission from the proper authorities of such citizen's own country. Such is the case with France. French citizenship may be forfeited for this reason, or by an establishment abroad in such a manner as to shew an intention of not returning. But the French-

(*r*) There are (or were on the adoption of the Fijian Constitution) five of these Ministers, four of whom were, it is understood, British subjects, and one a German.

man may at any time recover his native character by renouncing his foreign office (if he holds one) and making due application. In some other countries (as in Bavaria and Wurtemberg) citizenship may also be lost by emigration. In the latter case, the emigrant could have no difficulty in availing himself of all accessable privileges in the country of his domicile; and the French citizen might lawfully do so while thus domiciled. The United States holds, in practice, that every subject of the Republic, of mature age, may chose his own allegiance; although doubts have been raised by some eminent American jurists as to whether the strict law of the Union is quite so liberal. It may now, in short, be said to be a universal law or practice of nations that persons of full age *may*, voluntarily, assume a foreign allegiance, renouncing that of their native country, or may, when domiciled in another country, and adhering to their original or natural allegiance, accept and exercise any rights or privileges which may be conferred by that country, which are not manifestly inconsistent with such natural allegiance.

CHAPTER VI.

Possible interference of Great Britain, or other Powers, in Fijian Affairs.

XXXV. But it may be said that the British Government—and, perhaps, other Governments also—are not likely to recognise an Administration established as that of Fiji has been; and that the former, especially, will probably interpose its own authority to "set things in order." No doubt any of these Governments *will* have something to say to Fiji if it should be necessary to protect their subjects against any *actual* injustice for which the Fijian authorities can afford no remedy. But neither Great Britain nor any other power is likely to attempt any kind of interference which is not called for in this way.

XXXVI. By the practice of nations the right of intervention has been conceded in (and limited to) the following cases:—

1. For purposes of self defence, where the domestic institutions of a State are inconsistent with the peace and safety of other States; as when the National Convention of France, after the revolution of 1792, declared open war against the monarchies of other countries by avowing a readiness and willingness to assist in the revolutionary subversion of any of such monarchies; or when, as formerly in some of the Barbary States, and in certain countries of the Indian Archipelago, piracy was openly practised and encouraged *(rr)*.

(rr) Cause for "intervention" at Fiji might have existed if any intention had been manifested to make the Archipelago a place of "sanctuary" for absconders from justice; but recent events have shewn that nothing of this kind need be at all apprehended.

2. In exercise of the rights and duties of a guarantee given by a foreign nation, either generally—to secure the inviolability of the provisions of a particular treaty; or specially—to support a particular form of government established in another country, or to secure some particular possession or other individual object appertaining to it. The treaty by which Belgium was established as "an independent and perpetually neutral State," under guarantees of "the Courts of Great Britain, Austria, France, Prussia, and Russia," was one which might have entailed rights and duties of this nature; as also the similar guarantee of the Kingdom of Greece by Great Britain, France, and Russia.

3. On the invitation of the beligerent parties, or of one of them, in a civil war, as in the case of the Greek revolution. It has been well established, however, that, although at the request of both contending parties there may be such intervention in almost any case, the circumstances must be very peculiar to warrant intervention at the request of only one of them. There must be no mere outbreak, but "such a contest as exhibits some equality of force, and of which, if the combatants were left to themselves, the issue would be in some degree doubtful." It must be such "a desolating contest," in short, as that, in the interests of humanity, it ought clearly to be put a stop to. In the case of Greece, the intervening Powers were so chary of being thought to interpose, without the most extreme necessity, between the Sultan and his Greek subjects, at the request of the latter, that the fearful massacres by the Turks during this protracted war were less relied upon by the British Ministry of the day as a justification for such interposition, than the necessity for the "pacification of the Levant."

4. To preserve "the balance of power," that is to say, to prevent the dangerous aggrandisement of any one State by external acquisition; as in the case of the late Crimean war.

5. To demand redress on any flagrent violation of justice or wrong affecting a subject of the intervening State after the tribunals and government of the country, where such wrong has been inflicted, have been appealed to in vain (see note *n. ante*). Also for the enforcement of debts due to subjects of the intervening State, by the government of the State remonstrated with or coerced, and sought to be repudiated by the latter (see note *(n) ante*, and sec. xxxvii. *post*).

6. To protect persons, subjects of another State, from persecution on account of professing a religion not recognised by that State, but identical with the religion of the intervening State. This right of intervention has been too frequently asserted, especially by Great Britain, to be disputed—although the aim of British policy has generally been to secure the desired ends by friendly negotiation. There have been many treaties on this subject, which is naturally divisible into two branches—the ensuring a free exercise of religion by subjects of the intervening State

commorant in a foreign land; and the stipulation for similar privileges for the subjects of another State. The right of intervention for the first-named purpose belongs naturally to every nation, in virtue of its right and duty to afford protection to its subjects, wherever located, in the exercise of their just rights; but it has been well established that nothing short of an interference with the right of private devotion—an actual *persecution* on the ground of religion—will justify interference in the domestic affairs of foreign States in any case. To warrant such intervention on behalf of the subjects of the country interfered with, there must not only be a cruel persecution of such subjects "on account of their professing a particular religion," but such intervention must have been applied for by the people so persecuted (*s*).

XXXVII. The British Government, and the governments of other great Powers, may, and probably will, inquire further into the working of the new Fijian Government, and satisfy themselves as to the probability of its efficiency ere they fully and formally recognise it. But British subjects, and other foreigners resident at Fiji, have no right to immunity from local laws, or to repudiate the jurisdiction of lawfully established Fijian tribunals, or the authority of duly appointed Fijian officials, pending such recognition. They must submit to these laws and tribunals, and respect the authority of these officials, or they must leave the country. Any such unauthorised violence as might be lawfully resisted by any of these foreigners in their own country may be lawfully resisted in Fiji; but *authority* must be submitted to, and if there is any actual injustice, redress, or compensation from the Fijian King and his Government may be demanded (and, if necessary, enforced) by foreign officers duly empowered in that behalf. Before force can be lawfully resorted to, however, for any such purpose, and even before a demand for compensation can be made, as a National Act, all means of obtaining a remedy by the action of the local tribunals or Government must be first exhausted. The British reprisals on Greece, in 1850, were made a subject of Parliamentary discussion, were complained against by France, and were condemned by Phillimore (v. 3, s. xxiii.),

(*s*) England and France joined in a remonstrance to the Government of the "Two Sicilies" on the frequency of arrests on political charges, and of the severity of the punishments inflicted, often without trial, upon the persons charged. This remonstrance was indignantly rejected by the Cabinet at Naples. England and France thereupon withdrew their respective legations, but made no further attempt to back up their remonstrance. Naval forces were held in readiness by both powers for the protection of their respective subjects resident in the kingdom of the Two Sicilies, if the withdrawal of the legations should place such subjects in peril. Even this interference, moderate as it was, in the domestic affairs of a foreign State, and justifiable, as it would seem to be, in the interests of common humanity, was protested against by Russia as contrary to international law.

because it was not first ascertained beyond question that the needful redress could not be obtained from the Greek tribunals. There could be no better illustration of the great need for caution in dealing with all such claims than is afforded by this case, only £150 having been awarded by the Commission of Inquiry instead of the £21,295 demanded.

XXXVIII. Let us, however, see how, upon such facts as we know of, stands the reason of the thing; for "the reason of the thing" has an admitted force in reference to all questions of international jurisprudence.

1. The protective supremacy offered to Great Britain has been most distinctly declined.

2. And at the same time the organization of efficient Governmental institutions in and for Fiji, by Fijian authority, has been officially advised.

3. By the authority of the principal native chiefs—in whom the sovereignty was vested, and by the consent, through them, of their respective peoples—the Archipelago has been declared a constitutional kingdom, with Cakabau as King.

4. The United States, by whom this assumption of Protective Supremacy was also invited, has not only declined to entertain any such proposition but has recognised the recently established Government of Fiji.

5. A Constitution for the Fijian kingdom has been prepared and assented to by the King and chiefs, and by a body of delegates elected, on the King's invitation, by and from the white residents.

6. Such Constitution—which is admitted on all hands to be a very liberal one—has been in force from the 1st of October last.

7. Even assuming, therefore, that the subjects of Great Britain, of the United States, or of any other nation, resident in Fiji, had a right to have any voice in the framing of a Constitution for that country, or to condemn any form of Government which might be established therein, they *have* had a *principal* voice both in the framing of the Constitution, and in prescribing the kind of Government to be established under it.

8. A Government has been organised according to the plan laid down by such Constitution—the Ministers being Fijian subjects.

9. The end and aim of the whole proceeding (and indeed of *all* government) being the establishment of law and order, the Government so organised had and has an undeniable right to adopt all such measures as may be absolutely necessary for that purpose.

10. Before the 1st of October, Cakabau being still absolute, whatever measures were thus taken could only be taken in his name and under his authority, their *legality*, as regards British subjects or other resident foreigners, being measured chiefly by their *necessity*. After that date, the Constitution being in force, they would require also to be in strict accordance with such

Constitution; their necessity, however, being still a principal test of their legality.

11. Whether the King and his government had or had not a right to proclaim any particular code of laws as in operation, *in globo*, for this purpose, there was an obvious right and duty to establish *some* tribunal by which justice, according to the necessities of each case, might be fairly administered; as also to appoint constables or other officers for the protection of life and property, the preservation of the peace, and the arrest, detention, and punishment of criminals.

12. The occurrences since the establishment of a police court, the appointment of constables, and the construction of a "lock-up" at Levuka, have shown that *there was also a great necessity* for some such measures.

13. To the authorities thus established, all resident foreigners, as well as all native-born or naturalised Fijian subjects, were and are legally bound to submit, and to pay a reasonable respect (*t*); reserving the right of the former to claim redress or compensation for any actual wrong inflicted upon them by any person or persons so authorised.

14. The Constitution has been further accepted and acted upon by the Foreign residents, by the election of persons to represent them in the Legislative Assembly.

15. A man who had been arrested by authority of the Government, for felony, and was under confinement in charge of an officer of such Government, was forcibly taken out of such confinement and custody by an assemblage of resident foreigners, many (if not most) of whom were British subjects.

16. This man, after having been subjected to what was called a trial, before a self-constituted Court, was declared to be discharged because of the insufficiency of the evidence *(u)*. He

(*t*) The arrest of a British subject for "contempt" of this Court appears to have been the cause of considerable excitement among such subjects resident at Levuka. The right to establish such a Court necessarily entailed a right to maintain its authority. Any measures which were clearly needful for this purpose would be as clearly justifiable. For any excess, however, a British subject suffering such excess would have a right to compensation from the Fijian Government, which is responsible for all the authorised acts of its officers. (See s. xxxvii., *ante*) The statements as to the facts of this case, which have reached Sydney, have been too conflicting to warrant any expression of opinion in reference to them.

(*u*) All British subjects concerned in these proceedings were punishable according to British law, as well as by the Fijian authorities. It is well that the peril which is incurred by indulgence at Fiji in any kind of violence should be clearly understood. The fact of riotous conduct, assaults, and such like offences, being justiceable in New South Wales, may have no great terror to such persons as are likely to commit these offences; inasmuch as there is, perhaps, little chance of their being sent up for trial; or if here, of there being sufficient evidence to secure a conviction. But there is a greater risk on the spot. If instead of submitting to demonstrations and aggressions of this kind, the Fijian authorities were to oppose force to force, the consequences might be terrible. They would be justified in resorting to any such measures as might be *necessary* for the maintenance of their lawful authority, and would

was either given up or re-captured (the accounts differ) and again put under lock and key; but in the meantime there had been a counter demonstration by a number of persons who assembled "to support the Government in the preservation of law and order" between whom and the supporters of Lynch law there might have been a collision, leading to loss of life, if the latter had sought to maintain their position.

17. When an absconder from Melbourne was arrested, under the express authority of King Cakobau, such arrest was resisted by certain Foreigners, I believe British subjects, *(v)* with great

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be in no way responsible for *any* mischief which might ensue to *any* person engaged in the resistance of such authority. It has been stated in the Fijian papers that some months ago a number of persons (chiefly British subjects) threatened with personal violence (tarring and feathering) one of the Fijian Ministers, because he had drilled, after the European manner, some of the natives, who were, it was said, to be sent to the Ba coast, but whom the threateners probably feared might, if needful, be used to keep riotous white men in order. The Government gave way, and the drilling was stopped. But the right of the Government--whether that of Cakobau, as an absolute sovereign chief, or that of a constitutional king and his advisers—to drill its native-born Fijian subjects, cannot for one moment be legally questioned. If this right had been insisted upon, if the threatened violence had thereupon been attempted, if this violence had been resisted and put down by force of arms, and if some of those who had attempted it had been unavoidably killed, the homicide would have been justifiable according to the laws of *all* civilized countries; while the killing of any person by the rioters would, according to the same laws, have been wilful murder, and would have been punishable as such in Australia.

(v) A more gross outrage than this could scarcely have been committed—an outrage in support of the claim to keep Fiji a place to which any rogues might resort with impunity. Modern jurists are unanimous in holding that the extradition of criminals cannot be demanded from any place as a matter of right, unless such extradition has been stipulated for by treaty, although some (including many English Judges and Chancellor Kent, American) have held that it might be demanded on the grounds of its being a right secured by "the Comity of Nations." But it is most clearly and indisputably within the power of *any* Government to give up, *ex gratia*, a criminal who has absconded from another country. By resisting the arrest of this man the British subjects who so resisted set themselves up against the authority of the sovereign under whose protection they lived, in order to screen an offender against the laws, and a fugitive from the justice, of their own country. Every person engaged in any way in this piece of business deserved to be, and ought to have been, severely punished. The extraordinary lenity of the only punishment which appears to have been awarded by the Fijian Court on a principal offender in this affair—80 dollars (£16) fine, and two hours' imprisonment, for attempt at forcible rescue, and the use of firearms in order to effect that purpose—can only be understood on the supposition that it was deemed prudent to exercise *extreme* forbearance and moderation until after the Legislature should have met, and the judicial machinery should have been propely organised. Every British subject engaged in this outrage would have been indictable for assault (and perhaps for conspiracy also), in New South Wales; and such of them as have not been dealt with by the Fijian Court might still, in the event of their coming to Sydney, be thus indicted, if the crown law officers of the colony were so minded. Those who have been so dealt with it might plead the judgment of the Fijian tribunal in bar. In either case it would become necessary to enquire into the question of Cakobau's sovereignty—in the one case to see whether there had

violence, firearms being actually used, and the life of the arresting officer threatened and endangered.

18. And while on the one hand the British Consul (no doubt from a strict sense of what he has conceived to be his duty) has denied the authority of the existing Government and its right to coerce British subjects (the Consul himself having no power of coercion over them), there appears to have been no public warning to such subjects of the illegality and risks of rioting and Lynch law. *(w.)*

XXXIX. "The reason of the thing," in view of all these facts, is that the Constitution and Government thereunder, which has been thus initiated, *ought* to be fairly tried; that neither the British Government nor the Government of any other nation is likely to do anything to prevent such fair trial; that they will rather leave Fiji in the uninterrupted exercise of the rights of sovereignty in order to test its ability to perform the duties which accompany these rights; that neither the British Government nor the Government of any other nation will countenance any resistance by its subjects of the local authorities; that recent events will be considered to afford very strong reasons why the Fijian Government should be morally supported instead of opposed; that complaints against such Government by British subjects, or other resident Foreigners, will be very carefully sifted ere redress or compensation is demanded in reference to any such complaint; and that even if Great Britain, or any other Power, should find it expedient to establish a Consular Court, such establishment will be without prejudice to Fijian sovereignty, and will rather tend to recognise and sustain than to subvert it.

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been a resistance of a *legal* arrest, in the other to ascertain whether there had been a judgment by a duly constituted tribunal. I have not been able to understand, however, on what receivable plea any such question could have been raised before, and *adjudicated upon* by, the police magistrate at Levuka, whose jurisdiction rested *solely* on his commission from King Cakobau, and could not, from the very nature of things, have included any power to decide against, or to deny judicially, that king's sovereignty.

(*w*) Nothing seemed fairer than the way in which (as reported in the Levuka newspapers) the case as between the Fijian Government and foreign residents was stated by the British Consul when waited upon by a deputation in reference to the before-mentioned arrest for contempt, except that the *tone* in which King Cakobau and his Ministers were spoken of was rather injudicious. The Consul has been formally charged with having hinted to some already excited countryman of his own (on whom it was his clear duty to have enjoined submission to the Government *de facto*, see s. xxxvii. *ante*) that they ought to prevent by force the incarceration of one of their own compatriots, and with having not only offered every possible insult and obstruction to the Fijian Government, but threatened to send the ministers, or some of them, and their constables to Sydney "for trial." I cannot but hope that these charges have arisen from misconceptions of what has been actually said and done by the Consul. It seems impossible that a gentleman in his position could have acted and spoken as has been alleged.

CHAPTER VII.

Privileges of Resident Foreigners.

XL. A British subject who brings himself under full allegiance to the Sovereign or State of Fiji by naturalization will, by the Act of 1870, already cited, lose his British nationality and become an alien, just as if he had been born in the Archipelago, of Fijian (aboriginal) parents; and we have already seen (See xxxiv. *ante)* that this is now the universal law or practice.

XLI. But the Fijian Government has unquestionable power to concede to British subjects and other resident Foreigners, without prejudice to their natural allegiance, all, or any of the rights of citizenship. By the acceptance and exercise of any such rights so conceded, the natural allegiance and privileges of a British subject would be in no way impaired; nor, I believe, would the national allegiance and privileges of the subject of any other State.

XLII. There has already been such an exercise of conceded rights, by the election of a House of Delegates to assist in the framing of the Constitution. By that Constitution there are similar concessions as regards the Legislative Assembly. Section 49 prescribes the oath to be taken by members of that body, which is simply that they "will faithfully support the Constitution of the Kingdom of Fiji, and conscientiously and impartially discharge their duties as members of the Assembly." This is not an oath of allegiance to the King of Fiji, but only a pledge to support the Constitution of the kingdom, which every resident foreigner ought to do without any such pledge. Any British subject, or, as I conceive, any other resident foreigner, may lawfully take such an oath, and serve in the Legislature, if qualified and elected. (See s. xxxiv., *ante.*)

XLIII. Sections 49 and 50 define the qualifications of electors and representatives. They must be "male subjects of the kingdom," not less than twenty-one years of age, who have been "domiciled" in such kingdom at least six months. The term "subject," as here used, is not to be read as "citizen," or as "native born, or naturalized subject of the kingdom." There is a clearly definable distinction between the term "subject," in its strict sense, and the term "citizen," although they are often used as if they were synonymous. Every citizen is, no doubt, a subject, but every subject is not a citizen. The Indians and slaves in the United States were subjects, without being citizens, of such States; although the former were sometimes naturalized *en masse*, and the status of the latter has been changed since the late Civil war. Every resident foreigner, as has already been shewn, is under local allegiance to a State, and may, therefore,

be described as a subject. (See also note (*m*), *ante*.) It must be admited that "residents" are not usually described as "subjects; but the provision as to a six months' "domicile," considered in connection with the peculiar nature of the oath of office, and the precedent (which would govern the interpretation of any Fijian law) of resident foreigners having been allowed to take part in the framing ofthe Constitution itself, shew they must have been intended to be included, here, under that head.

XLIV. The Constitution contains no provision for the taking of an oath of allegiance by civil officers of the Government; but it is probable that such an oath may be required, by statute, when the Government shall be more perfectly organized; in which case no domiciled foreigner could hold such an office without becoming an alien. To exercise an Elective Franchise or to become a member of the Legislature, would not, I should imagine, be to "hold an office" within the meaning of any of the codes of these States which make the acceptance of "office" in a foreign service equivalent to a renunciation of native allegiance. This, however, must depend upon the Municipal laws of such States. Neither a British subject nor a citizen of the United States would be subjected to any disability because of his rendering *any* service, in a civil capacity, to the land of his domicile, which did not involve any hostility against the land of his birth, or any absolute breach of its laws.

XLV. The position of British subjects would, as to military service, be different. The Foreign Enlistment Act has for its main object the prevention of the enlistment of men and the fitting-out of vessels within British dominions for the service of a foreign Power; so that the laws of neutrality may not be violated. It does, however, in express terms, prohibit natural born British subjects from entering into a foreign service without express permission (the term "service" being, from the general nature of the Act, limited in its meaning to military or naval service.) By that statute (59 Geo. III. c. 69) it is enacted that if any natural born subject of her Majesty enter into the service of any Foreign State without her Majesty's license, or order in Council, or royal proclamation; or if any person within the dominions of Great Britain, hire or attempt to hire any person to enlist in the service of any Foreign State, such person shall be guilty of a misdemeanour, punishable with fine or imprisonment, or both, at the discretion of the Court. The officers of Customs or Excise are empowered, on information upon oath, to detain any vessel having persons on board destined for such Foreign service. Masters of vessels knowingly having on board persons so engaged, are to forfeit £50 for each individual. Persons fitting out any vessel for the conveyance of such persons, or for the service in war of a Foreign State, without license, are guilty of a high misdemeanour, and the ship and stores become forfeited. Even the assisting of any Foreign

State with warlike stores without license is declared a misdemeanour, punishable with fine and imprisonment. But notwithstanding the provisions of this Act, a British subject who, in the service of a Foreign State in amity with Great Britain, captured a British vessel which was lawfully condemned as a prize for breaking blockade, was held not to be liable to an action at the suit of the owner. *(Dobres v. Napier, 2 Bing, N. C. 781.)*

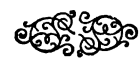
XLVI. Numbers of British subjects resident abroad have entered foreign services without any special license, and without being prosecuted therefor; and a great many others, who have gone abroad for the same purpose and under similar circumstances, have returned to Great Britain without the slightest attempt having been made to punish them. But it would be dangerous for British subjects to do the like in Fiji. Besides the greater risk, as to the enlistment itself, they would run from the special Australian jurisdiction—more likely to be invoked than that of the Courts of such a country as Great Britain, with its millions of people, of whose comings and goings little heed is taken—there would be the peril of being held to account for any act done in the course of military duty.

XLVII. British subjects taking an oath of allegiance to Fiji, and thereby becoming aliens, will be under no such disability. There is no legislative provision, like the Foreign Enlistment Act, affecting citizens of the United States domiciled in Fiji, nor, as far as I am aware of, affecting any other foreigners so domiciled; although such as are prohibited by the laws of their native country from holding a foreign office would certainly forfeit, or run a risk of forfeiting, their nationality by accepting any military appointment or employment.

XLVIII. The temporary organization of any band of volunteers to act in conjunction with the native authorities in resisting or punishing any of the still heathen and savage tribes for attacks on settlers, will not be such military service of the Fijian Government as will expose any British subject so volunteering to the risk of conviction under the foreign Enlistment Act. There will be generally, however, some legal risk in joining such expeditions, in addition to the chances of war, because of the special Australian jurisdiction already mentioned; inasmuch, as if anything done in the course of such an expedition should be made the subject of a criminal charge, it would be very hard to make out such a justification as, according to British law, would be sufficient. It would all depend upon the *necessity*, for the protection of life and property, of what had been done. On the other hand, no doubt, there would usually be very great difficulty in getting sufficient evidence to sustain any such charge.

XLIX. The same may be said as to expeditions voluntarily organised by settlers, without the authority of the Fijian Govern-

ment, or of any chief competent to grant such authority; as British law, although fully recognising the right of British subjects to do all that may be absolutely necessary for their own protection, does not permit reprisals. These are acts of war, and no subject of Great Britain (nor, indeed, of any other State), except a duly commissioned officer of the army or navy, can legally "make war" in any shape, or under any circumstances. A shipmaster, for having hanged a native of Lifu, who he believed to be a spy, and to be concerned in a projected attack on his vessel, was convicted, in Sydney, of wilful murder and sentenced to death, although the sentence was subsequently commuted to penal servitude for, I think, two years.



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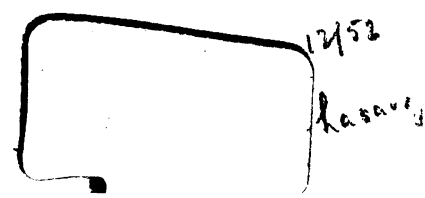
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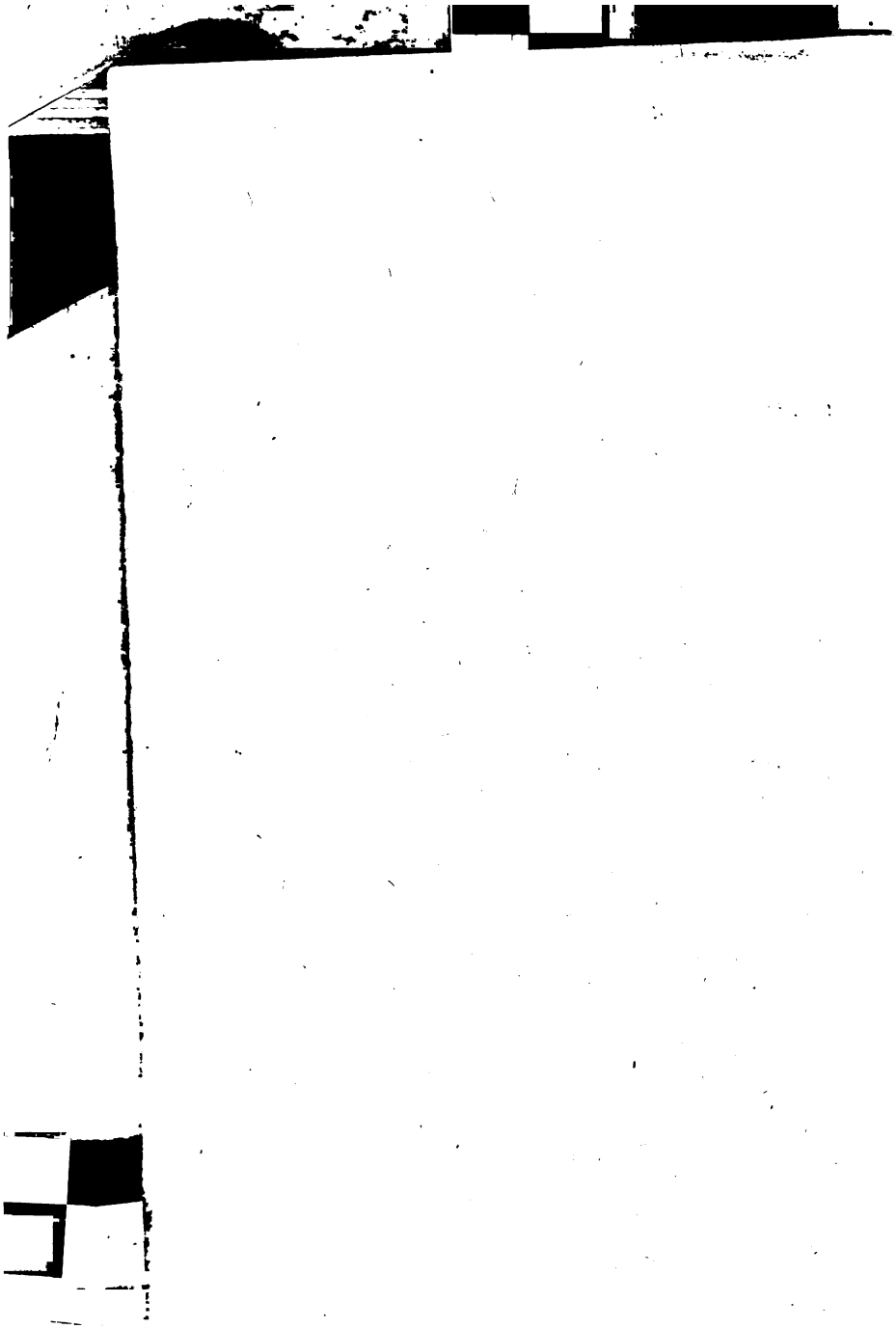

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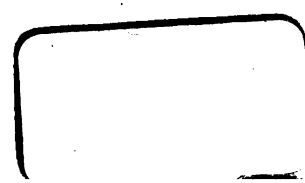

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